

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Richard L. Duncan

v.

Civil No. 08-cv-244-JL

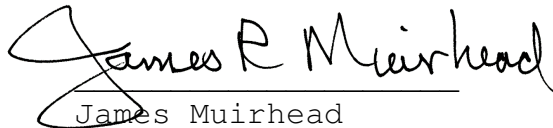
Lakes Region Facility, Warden

**REPORT AND RECOMMENDATION**

Plaintiff has a motion for immediate injunctive relief in his habeas corpus petition case. None of the issues raised are remotely related to the habeas issues and he has not alleged that the acts complained of are retaliatory for having brought the habeas petition. It is also apparent that he has not exhausted administrative remedies. In short, the motion is premature and it must be filed as a separate §1983 case. I recommend that the motion (Document No. 3) be denied without prejudice to refiling in a §1983 case after exhaustion of administrative remedies.

Any objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to

file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 2986).

A handwritten signature in black ink, reading "James R. Muirhead". The signature is written in a cursive style with a large, looping initial "J".

James Muirhead  
United States Magistrate Judge

Date: August 19, 2008

cc: Richard L. Duncan, pro se